

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS (Harrison)**

**IN RE: BILLY G. SCALLORN,
Debtor**

**CASE NO. 3:22-bk-70129
CHAPTER 13**

MOTION TO DISMISS

COMES NOW CS Bank, by and through its attorneys, FRIDAY, ELDREDGE & CLARK, LLP, and for its Motion to Dismiss, states as follows:

1. On March 21, 2022, Billy G. Scallorn (the “Debtor”) filed a Motion to Extend the Deadline to File Chapter 13 Schedules and Plan (Docket Entry No. 33) seeking an additional fourteen (14) days to file his schedules and chapter 13 plan in this case. This was the Debtor’s second motion seeking an extension of time to file the required documentation.
2. On March 29, 2022, CS Bank filed a Response to Motion to Extend the Deadline to File Chapter 13 Schedules and Plan (Docket Entry No. 35).
3. The Court entered an Order to Extend the Deadline to File Chapter 13 Schedules and Plan on April 2, 2022, (Docket Entry No. 37) (the “Agreed Order”), which was agreed to by counsel for CS Bank, the Debtor, and the staff attorney for the Chapter 13 Standing Trustee.
4. The Agreed Order provided in pertinent part— “In the event the Debtor fails to file his deficient schedules and plan or to pay the filing fee in accordance with the Court’s Order Granting Application/Motion to Pay Filing Fee in Installments (Docket Entry No. 15) by April 8, 2022, this case should be dismissed with prejudice to the Debtor filing for one (1) year.”
5. In accordance with the Agreed Order, the Debtor’s filing fee was paid on April 6, 2022.

6. The Debtor filed the deficient documents after the agreed to April 8, 2022, deadline—

- Arkansas Chapter 13 Plan (Docket Entry No. 41) filed April 9, 2022, at 1:33 A.M.;
- Voluntary Petition (Docket Entry No. 42) filed April 9, 2022, at 11:58 P.M.;
- Schedules A/B, C, D, E/F, G, H, and I (Docket Entry No. 43) filed April 10, 2022, at 1:24 A.M.;
- Schedule J and Statement of Financial Affairs (Docket Entry No. 44) filed April 11, 2022, at 7:47 A.M.;
- Summary of Assets and Liabilities (Docket Entry No. 45) filed April 11, 2022, at 7:59 A.M.

7. Pursuant to the terms of the Agreed Order, the Debtor's case should be dismissed with prejudice to him filing for one (1) year.

WHEREFORE, CS Bank prays that this Court dismiss this bankruptcy case with prejudice to the Debtor, Billy G. Scallorn, filing any other petition under the Bankruptcy Code for one (1) year, and for any other relief to which it may be entitled.

Respectfully submitted,

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By: /s/ Lindsey Emerson Raines
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Counsel for CS Bank

CERTIFICATE OF SERVICE

I, Lindsey Emerson Raines, do hereby certify that a true and correct copy of the above and foregoing has been provided to the following attorneys of record by electronic mail through the Electronic Case Filing System on this 12th day of April 2022.

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